



Rep. Christian L. Mitchell

Filed: 4/14/2015

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LRB099 04621 NHT 34024 a

1 AMENDMENT TO HOUSE BILL 809

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 809 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections  
5 27A-5, 27A-7, 27A-7.10, and 27A-9 as follows:

6 (105 ILCS 5/27A-5)

7 Sec. 27A-5. Charter school; legal entity; requirements.

8 (a) A charter school shall be a public, nonsectarian,  
9 nonreligious, non-home based, and non-profit school. A charter  
10 school shall be organized and operated as a nonprofit  
11 corporation or other discrete, legal, nonprofit entity  
12 authorized under the laws of the State of Illinois.

13 (b) A charter school may be established under this Article  
14 by creating a new school or by converting an existing public  
15 school or attendance center to charter school status. Beginning  
16 on the effective date of this amendatory Act of the 93rd

1 General Assembly, in all new applications to establish a  
2 charter school in a city having a population exceeding 500,000,  
3 operation of the charter school shall be limited to one campus.  
4 The changes made to this Section by this amendatory Act of the  
5 93rd General Assembly do not apply to charter schools existing  
6 or approved on or before the effective date of this amendatory  
7 Act.

8 (b-5) In this subsection (b-5), "virtual-schooling" means  
9 a cyber school where students engage in online curriculum and  
10 instruction via the Internet and electronic communication with  
11 their teachers at remote locations and with students  
12 participating at different times.

13 From April 1, 2013 through December 31, 2016, there is a  
14 moratorium on the establishment of charter schools with  
15 virtual-schooling components in school districts other than a  
16 school district organized under Article 34 of this Code. This  
17 moratorium does not apply to a charter school with  
18 virtual-schooling components existing or approved prior to  
19 April 1, 2013 or to the renewal of the charter of a charter  
20 school with virtual-schooling components already approved  
21 prior to April 1, 2013.

22 On or before March 1, 2014, the Commission shall submit to  
23 the General Assembly a report on the effect of  
24 virtual-schooling, including without limitation the effect on  
25 student performance, the costs associated with  
26 virtual-schooling, and issues with oversight. The report shall

1 include policy recommendations for virtual-schooling.

2 (c) A charter school shall be administered and governed by  
3 its board of directors or other governing body in the manner  
4 provided in its charter. The governing body of a charter school  
5 shall be subject to the Freedom of Information Act and the Open  
6 Meetings Act.

7 (d) A charter school shall comply with all applicable  
8 health and safety requirements applicable to public schools  
9 under the laws of the State of Illinois.

10 (e) Except as otherwise provided in the School Code, a  
11 charter school shall not charge tuition; provided that a  
12 charter school may charge reasonable fees for textbooks,  
13 instructional materials, and student activities.

14 (f) A charter school shall be responsible for the  
15 management and operation of its fiscal affairs, including, but  
16 not limited to, the procurement of goods and services and the  
17 preparation of its budget. An audit of each charter school's  
18 finances shall be conducted annually by an outside, independent  
19 contractor retained by the charter school. To ensure financial  
20 accountability for the use of public funds, on or before  
21 December 1 of every year of operation, each charter school  
22 shall submit to its authorizer and the State Board a copy of  
23 its audit and a copy of the Form 990 the charter school filed  
24 that year with the federal Internal Revenue Service. In  
25 addition, if deemed necessary for proper financial oversight of  
26 the charter school, an authorizer may require quarterly

1 financial statements from each charter school.

2 (g) A charter school shall comply with all provisions of  
3 this Article; the Illinois Educational Labor Relations Act; all  
4 federal and State laws and rules applicable to public schools  
5 that pertain to special education and the instruction of  
6 English language learners, referred to in this Code as  
7 "children of limited English-speaking ability"; and its  
8 charter. A charter school is exempt from all other State laws  
9 and regulations in this Code governing public schools and local  
10 school board policies, except the following:

11 (1) Sections 10-21.9 and 34-18.5 of this Code regarding  
12 criminal history records checks and checks of the Statewide  
13 Sex Offender Database and Statewide Murderer and Violent  
14 Offender Against Youth Database of applicants for  
15 employment;

16 (2) Sections 24-24 and 34-84A of this Code regarding  
17 discipline of students;

18 (3) the Local Governmental and Governmental Employees  
19 Tort Immunity Act;

20 (4) Section 108.75 of the General Not For Profit  
21 Corporation Act of 1986 regarding indemnification of  
22 officers, directors, employees, and agents;

23 (5) the Abused and Neglected Child Reporting Act;

24 (6) the Illinois School Student Records Act;

25 (7) Section 10-17a of this Code regarding school report  
26 cards;

1 (8) the P-20 Longitudinal Education Data System Act;

2 ~~and~~

3 (9) Section 27-23.7 of this Code regarding bullying  
4 prevention; ~~and.~~

5 (10) ~~(9)~~ Section 2-3.162 ~~2-3.160~~ of this ~~the School~~  
6 Code regarding student discipline reporting.

7 The change made by Public Act 96-104 to this subsection (g)  
8 is declaratory of existing law.

9 (h) A charter school may negotiate and contract with a  
10 school district, the governing body of a State college or  
11 university or public community college, or any other public or  
12 for-profit or nonprofit private entity for: (i) the use of a  
13 school building and grounds or any other real property or  
14 facilities that the charter school desires to use or convert  
15 for use as a charter school site, (ii) the operation and  
16 maintenance thereof, and (iii) the provision of any service,  
17 activity, or undertaking that the charter school is required to  
18 perform in order to carry out the terms of its charter.  
19 However, a charter school that is established on or after the  
20 effective date of this amendatory Act of the 93rd General  
21 Assembly and that operates in a city having a population  
22 exceeding 500,000 may not contract with a for-profit entity to  
23 manage or operate the school during the period that commences  
24 on the effective date of this amendatory Act of the 93rd  
25 General Assembly and concludes at the end of the 2004-2005  
26 school year. Except as provided in subsection (i) of this

1 Section, a school district may charge a charter school  
2 reasonable rent for the use of the district's buildings,  
3 grounds, and facilities. Any services for which a charter  
4 school contracts with a school district shall be provided by  
5 the district at cost. Any services for which a charter school  
6 contracts with a local school board or with the governing body  
7 of a State college or university or public community college  
8 shall be provided by the public entity at cost.

9 Charter schools shall use their purchasing functions to  
10 provide preference to and enhance competitive opportunities  
11 for minority-owned and women-owned businesses located within  
12 the geographical region of the charter school seeking goods or  
13 services. This preference shall align with standards set for  
14 traditional schools within the authorizing network. All other  
15 goods and services procured by the charter school must be  
16 executed pursuant to the terms of the procurement policy stated  
17 in the charter contract. Charter procurement policies must be  
18 approved by the authorizer during the authorization process and  
19 shall reflect procedures consistent with expending public  
20 funds in an efficient, transparent, and cost-effective manner.  
21 Such policies shall include provisions that prohibit conflicts  
22 of interest, self-dealing, and any other practices that call  
23 into question the objectivity of the charter school's governing  
24 body. Each charter school's procurement policy must be posted  
25 on the charter school's Internet website to ensure public  
26 transparency.

1 (i) In no event shall a charter school that is established  
2 by converting an existing school or attendance center to  
3 charter school status be required to pay rent for space that is  
4 deemed available, as negotiated and provided in the charter  
5 agreement, in school district facilities. However, all other  
6 costs for the operation and maintenance of school district  
7 facilities that are used by the charter school shall be subject  
8 to negotiation between the charter school and the local school  
9 board and shall be set forth in the charter.

10 (j) A charter school may limit student enrollment by age or  
11 grade level.

12 (k) If the charter school is approved by the Commission,  
13 then the Commission charter school is its own local education  
14 agency.

15 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;  
16 97-813, eff. 7-13-12; 98-16, eff. 5-24-13; 98-639, eff. 6-9-14;  
17 98-669, eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff.  
18 1-1-15; 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; revised  
19 10-14-14.)

20 (105 ILCS 5/27A-7)

21 Sec. 27A-7. Charter submission.

22 (a) A proposal to establish a charter school shall be  
23 submitted to the local school board and the State Board for  
24 certification under Section 27A-6 of this Code in the form of a  
25 proposed contract entered into between the local school board

1 and the governing body of a proposed charter school. The  
2 charter school proposal shall include:

3 (1) The name of the proposed charter school, which must  
4 include the words "Charter School".

5 (2) The age or grade range, areas of focus, minimum and  
6 maximum numbers of pupils to be enrolled in the charter  
7 school, and any other admission criteria that would be  
8 legal if used by a school district.

9 (3) A description of and address for the physical plant  
10 in which the charter school will be located; provided that  
11 nothing in the Article shall be deemed to justify delaying  
12 or withholding favorable action on or approval of a charter  
13 school proposal because the building or buildings in which  
14 the charter school is to be located have not been acquired  
15 or rented at the time a charter school proposal is  
16 submitted or approved or a charter school contract is  
17 entered into or submitted for certification or certified,  
18 so long as the proposal or submission identifies and names  
19 at least 2 sites that are potentially available as a  
20 charter school facility by the time the charter school is  
21 to open.

22 (4) The mission statement of the charter school, which  
23 must be consistent with the General Assembly's declared  
24 purposes; provided that nothing in this Article shall be  
25 construed to require that, in order to receive favorable  
26 consideration and approval, a charter school proposal

1 demonstrate unequivocally that the charter school will be  
2 able to meet each of those declared purposes, it being the  
3 intention of the Charter Schools Law that those purposes be  
4 recognized as goals that charter schools must aspire to  
5 attain.

6 (5) The goals, objectives, and pupil performance  
7 standards to be achieved by the charter school.

8 (6) In the case of a proposal to establish a charter  
9 school by converting an existing public school or  
10 attendance center to charter school status, evidence that  
11 the proposed formation of the charter school has received  
12 the approval of certified teachers, parents and guardians,  
13 and, if applicable, a local school council as provided in  
14 subsection (b) of Section 27A-8.

15 (7) A description of the charter school's educational  
16 program, pupil performance standards, curriculum, school  
17 year, school days, and hours of operation.

18 (8) A description of the charter school's plan for  
19 evaluating pupil performance, the types of assessments  
20 that will be used to measure pupil progress towards  
21 achievement of the school's pupil performance standards,  
22 the timeline for achievement of those standards, and the  
23 procedures for taking corrective action in the event that  
24 pupil performance at the charter school falls below those  
25 standards.

26 (9) Evidence that the terms of the charter as proposed

1 are economically sound for both the charter school and the  
2 school district, a proposed budget for the term of the  
3 charter, a description of the manner in which an annual  
4 audit of the financial and administrative operations of the  
5 charter school, including any services provided by the  
6 school district, are to be conducted, and a plan for the  
7 displacement of pupils, teachers, and other employees who  
8 will not attend or be employed in the charter school.

9 (10) A description of the governance and operation of  
10 the charter school, including the nature and extent of  
11 parental, professional educator, and community involvement  
12 in the governance and operation of the charter school.

13 (10.5) A description of a procurement policy for goods  
14 and services.

15 (11) An explanation of the relationship that will exist  
16 between the charter school and its employees, including  
17 evidence that the terms and conditions of employment have  
18 been addressed with affected employees and their  
19 recognized representative, if any. However, a bargaining  
20 unit of charter school employees shall be separate and  
21 distinct from any bargaining units formed from employees of  
22 a school district in which the charter school is located.

23 (12) An agreement between the parties regarding their  
24 respective legal liability and applicable insurance  
25 coverage.

26 (13) A description of how the charter school plans to

1 meet the transportation needs of its pupils, and a plan for  
2 addressing the transportation needs of low-income and  
3 at-risk pupils.

4 (14) The proposed effective date and term of the  
5 charter; provided that the first day of the first academic  
6 year shall be no earlier than August 15 and no later than  
7 September 15 of a calendar year, and the first day of the  
8 fiscal year shall be July 1.

9 (15) Any other information reasonably required by the  
10 State Board of Education.

11 (b) A proposal to establish a charter school may be  
12 initiated by individuals or organizations that will have  
13 majority representation on the board of directors or other  
14 governing body of the corporation or other discrete legal  
15 entity that is to be established to operate the proposed  
16 charter school, by a board of education or an intergovernmental  
17 agreement between or among boards of education, or by the board  
18 of directors or other governing body of a discrete legal entity  
19 already existing or established to operate the proposed charter  
20 school. The individuals or organizations referred to in this  
21 subsection may be school teachers, school administrators,  
22 local school councils, colleges or universities or their  
23 faculty members, public community colleges or their  
24 instructors or other representatives, corporations, or other  
25 entities or their representatives. The proposal shall be  
26 submitted to the local school board for consideration and, if

1 appropriate, for development of a proposed contract to be  
2 submitted to the State Board for certification under Section  
3 27A-6.

4 (c) The local school board may not without the consent of  
5 the governing body of the charter school condition its approval  
6 of a charter school proposal on acceptance of an agreement to  
7 operate under State laws and regulations and local school board  
8 policies from which the charter school is otherwise exempted  
9 under this Article.

10 (Source: P.A. 98-739, eff. 7-16-14; 98-1048, eff. 8-25-14;  
11 revised 10-1-14.)

12 (105 ILCS 5/27A-7.10)

13 Sec. 27A-7.10. Authorizer powers and duties; immunity;  
14 principles and standards.

15 (a) Authorizers are responsible for executing, in  
16 accordance with this Article, all of the following powers and  
17 duties:

18 (1) Soliciting and evaluating charter applications.

19 (2) Approving quality charter applications that meet  
20 identified educational needs and promote a diversity of  
21 educational choices.

22 (3) Declining to approve weak or inadequate charter  
23 applications.

24 (4) Negotiating and executing sound charter contracts  
25 with each approved charter school.

1           (5) Monitoring, in accordance with charter contract  
2 terms, the performance and legal compliance of charter  
3 schools, including compliance with procurement policies.

4           (6) Determining whether each charter contract merits  
5 renewal, nonrenewal, or revocation.

6           (b) An authorizing entity may delegate its duties to  
7 officers, employees, and contractors.

8           (c) Regulation by authorizers is limited to the powers and  
9 duties set forth in subsection (a) of this Section and must be  
10 consistent with the spirit and intent of this Article.

11           (d) An authorizing entity, members of the local school  
12 board, or the Commission, in their official capacity, and  
13 employees of an authorizer are immune from civil and criminal  
14 liability with respect to all activities related to a charter  
15 school that they authorize, except for willful or wanton  
16 misconduct.

17           (e) The Commission and all local school boards that have a  
18 charter school operating are required to develop and maintain  
19 chartering policies and practices consistent with recognized  
20 principles and standards for quality charter authorizing in all  
21 major areas of authorizing responsibility, including all of the  
22 following:

23                 (1) Organizational capacity and infrastructure.

24                 (2) Soliciting and evaluating charter applications.

25                 (3) Performance contracting.

26                 (4) Ongoing charter school oversight and evaluation.

1 (5) Charter renewal decision-making.

2 Authorizers shall carry out all their duties under this  
3 Article in a manner consistent with nationally recognized  
4 principles and standards and with the spirit and intent of this  
5 Article.

6 (Source: P.A. 97-152, eff. 7-20-11.)

7 (105 ILCS 5/27A-9)

8 Sec. 27A-9. Term of charter; renewal.

9 (a) A charter may be granted for a period of not less than  
10 5 and not more than 10 school years. A charter may be renewed  
11 in incremental periods not to exceed 10 5 school years, except  
12 that charters deemed high-quality shall be renewed for a period  
13 of not less than 5 and not more than 10 school years. Each  
14 authorizer shall create criteria for determining which charter  
15 schools meet the high-quality definition. In the absence of  
16 such criteria, a high-quality charter school means a charter  
17 school that has, in the last available ranking, either (i) been  
18 recognized by the State Board as a reward school, as defined in  
19 this State's approved waiver of the federal Elementary and  
20 Secondary Education Act of 1965, or received the State Board's  
21 honor roll designation as a spotlight school, academic  
22 excellence award recipient, or academic improvement recipient  
23 or (ii) received a rating in the top 40% of schools in a school  
24 district under a rating system developed by the charter  
25 school's home district that is based on multiple indicators of

1 success and used by that district to rate schools in the  
2 district.

3 (a-5) Before January 1, 2016, authorizers shall develop  
4 performance frameworks that allow authorizers to measure the  
5 performance of a charter school and that allow authorizers of  
6 multiple charter schools to compare performance across  
7 similarly situated schools using common measures. Such  
8 performance frameworks shall use comprehensive academic,  
9 financial, and operational performance data to make  
10 merit-based renewal decisions. Such performance frameworks may  
11 vary depending on the type of charter school authorized and the  
12 mission of such a school. Authorizers shall solicit input from  
13 schools and other stakeholders in the development of  
14 performance frameworks. Authorizers shall incorporate such  
15 performance frameworks into charter agreements entered into on  
16 or after January 1, 2016. Authorizers may work with charter  
17 schools to incorporate such performance frameworks into  
18 contracts entered into before January 1, 2016, provided that  
19 the authorizer and charter school mutually agree to the  
20 contract amendment. All renewal decisions after September 1,  
21 2016 must be based on the charter contract and, to the extent  
22 applicable, the performance framework. The performance  
23 framework must be made available for public viewing on the  
24 authorizer's Internet website.

25 Using the renewal criteria set forth in the performance  
26 framework, the authorizer shall report annually to the charter

1 school on the progress and performance of that charter school.

2 (b) A charter school renewal proposal submitted to the  
3 local school board or the Commission, as the chartering entity,  
4 shall contain:

5 (1) A report on the progress of the charter school in  
6 achieving the goals, objectives, pupil performance  
7 standards, content standards, and other terms of the  
8 initial approved charter proposal; and

9 (2) A procurement policy for goods and services and a  
10 financial statement that discloses the costs of  
11 administration, instruction, and other spending categories  
12 for the charter school that is understandable to the  
13 general public and that will allow comparison of those  
14 costs to other schools or other comparable organizations,  
15 in a format required by the State Board.

16 (b-5) In making decisions about charter renewals, an  
17 authorizer shall do all of the following:

18 (1) Grant renewals to charter schools based on what is  
19 in the best interests of the students served by the charter  
20 school.

21 (2) Ground its decisions on a thorough analysis of  
22 evidence of the charter school's performance over the term  
23 of the charter contract, in accordance with the terms and  
24 measures established in the performance framework set  
25 forth in the charter agreement under subsection (a-5) of  
26 this Section to the extent applicable.

1           (3) Grant renewals only to charter schools that have  
2           achieved the material standards, targets, and performance  
3           expectations as stated in the charter contract, are  
4           organizationally and fiscally viable, and have been  
5           faithful to the terms of the contract and applicable law.

6           (40) Develop and implement a transition plan for each  
7           student attending a charter school whose charter is not to  
8           be renewed. The plan must include information concerning  
9           the charter school and transportation options available to  
10           the student, with the goal of providing a smooth transition  
11           following a non-renewal. To the extent practicable, the  
12           timing of renewal decisions shall align with the enrollment  
13           process the authorizer uses for other schools within the  
14           relevant school district. The authorizer shall communicate  
15           the plan to each student's parent or guardian.

16           (c) A charter may be revoked or not renewed if the local  
17 school board or the Commission, as the chartering entity,  
18 clearly demonstrates that the charter school did any of the  
19 following, or otherwise failed to comply with the requirements  
20 of this law:

21           (1) Committed a material violation of any of the  
22 conditions, standards, or procedures set forth in the  
23 charter.

24           (2) Failed to meet or make reasonable progress toward  
25 achievement of the content standards or pupil performance  
26 standards identified in the charter or instead, if

1       applicable, failed to meet performance standards  
2       established in the performance framework set forth in the  
3       charter under subsection (a-5) of this Section.

4           (3) Failed to meet generally accepted standards of  
5       fiscal management.

6           (4) Violated any provision of law from which the  
7       charter school was not exempted.

8       In the case of revocation, the local school board or the  
9       Commission, as the chartering entity, shall notify the charter  
10      school in writing of the reason why the charter is subject to  
11      revocation. The charter school shall submit a written plan to  
12      the local school board or the Commission, whichever is  
13      applicable, to rectify the problem. The plan shall include a  
14      timeline for implementation, which shall not exceed 2 years or  
15      the date of the charter's expiration, whichever is earlier. If  
16      the local school board or the Commission, as the chartering  
17      entity, finds that the charter school has failed to implement  
18      the plan of remediation and adhere to the timeline, then the  
19      chartering entity shall revoke the charter. Except in  
20      situations of an emergency where the health, safety, or  
21      education of the charter school's students is at risk, the  
22      revocation shall take place at the end of a school year.  
23      Nothing in this amendatory Act of the 96th General Assembly  
24      shall be construed to prohibit an implementation timetable that  
25      is less than 2 years in duration.

26           (d) (Blank).

1           (e) Notice of a local school board's decision to deny,  
2           revoke or not to renew a charter shall be provided to the  
3           Commission and the State Board. The Commission may reverse a  
4           local board's decision if the Commission finds that the charter  
5           school or charter school proposal (i) is in compliance with  
6           this Article, and (ii) is in the best interests of the students  
7           it is designed to serve. The Commission may condition the  
8           granting of an appeal on the acceptance by the charter school  
9           of funding in an amount less than that requested in the  
10          proposal submitted to the local school board. Final decisions  
11          of the Commission shall be subject to judicial review under the  
12          Administrative Review Law.

13          (f) Notwithstanding other provisions of this Article, if  
14          the Commission on appeal reverses a local board's decision or  
15          if a charter school is approved by referendum, the Commission  
16          shall act as the authorized chartering entity for the charter  
17          school. The Commission shall approve the charter and shall  
18          perform all functions under this Article otherwise performed by  
19          the local school board. The State Board shall determine whether  
20          the charter proposal approved by the Commission is consistent  
21          with the provisions of this Article and, if the approved  
22          proposal complies, certify the proposal pursuant to this  
23          Article. The State Board shall report the aggregate number of  
24          charter school pupils resident in a school district to that  
25          district and shall notify the district of the amount of funding  
26          to be paid by the State Board to the charter school enrolling

1 such students. The Commission shall require the charter school  
2 to maintain accurate records of daily attendance that shall be  
3 deemed sufficient to file claims under Section 18-8.05  
4 notwithstanding any other requirements of that Section  
5 regarding hours of instruction and teacher certification. The  
6 State Board shall withhold from funds otherwise due the  
7 district the funds authorized by this Article to be paid to the  
8 charter school and shall pay such amounts to the charter  
9 school.

10 (g) For charter schools authorized by the Commission, the  
11 Commission shall quarterly certify to the State Board the  
12 student enrollment for each of its charter schools.

13 (h) For charter schools authorized by the Commission, the  
14 State Board shall pay directly to a charter school any federal  
15 or State aid attributable to a student with a disability  
16 attending the school.

17 (Source: P.A. 97-152, eff. 7-20-11; 98-739, eff. 7-16-14.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law."